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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,300	10/27/2003	Atsushi Toda	10973-107001	3577
26211	7590	06/06/2005		EXAMINER
FISH & RICHARDSON P.C. CITIGROUP CENTER 52ND FLOOR 153 EAST 53RD STREET NEW YORK, NY 10022-4611			CARIASO, ALAN B	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/694,300	TODA ET AL.	
	Examiner Alan Cariaso	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 3-5 is/are rejected.  
 7) Claim(s) 2 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>20031027</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Objections*

2. Claim 2 is objected to because of the following informalities: Claim 2, line 3, the term combination "afirstarithmeticmeansforcomputingthetiltedposture" appears to have no spacing between various terms. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by OKUCHI et al (US 6,193,398).
5. OKUCHI discloses a projection direction control system for a vehicle headlamp comprising: a height detecting means (11) for detecting variation in the height of an axle of front-wheel or rear-wheel (11F,11R, fig.1); an auxiliary detection means (12, fig.1) for accurately controlling the direction of light projected from the vehicle headlamp in response to vehicle load variation (col.15, lines 16-50), and light projection control

means (ECU 20-fig.1, actuator 35, fig.2) for controlling the optical axis of light projected from the vehicle headlamp in response to variation in the vehicle posture according to the information obtained by the height detecting means (11) and the auxiliary detection means (12), wherein in case the auxiliary detection means is in an abnormal condition, the direction of the optical axis of light projected from the vehicle headlamp is controlled so as to be tilted downward from the direction of the optical axis of light with the auxiliary detection means remaining in a normal condition (col.17, lines 39-46, line 62 to col.18, line 9); wherein a plurality of auxiliary detection means (12,13,14 in fig.18) are installed in the system, and inherently in case the auxiliary detection means (12,13,14) is in an abnormal condition, the tilt of the optical axis of projected light is adjusted (col.14, lines 45-60); wherein the auxiliary detection (the other of 11F or 11R) means is a sensor for measuring an inclination of the vehicle due to the vertical motion thereof (col.5, lines 41-49).

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by NISHIMURA et al (US 6,389,344).
7. discloses a projection direction control system for a vehicle headlamp comprising: a height detecting means (11) for detecting variation in the height of at least an axle of portion of a rear-wheel (11, fig.1); an auxiliary detection means (seating sensor, col.3; S102-fig.4) for accurately controlling the direction of light projected from the vehicle headlamp in response to vehicle load variation (col.3, lines 5-10), and light projection control means (ECU 20-fig.1, actuator 35, fig.2) for controlling the optical axis

of light projected from the vehicle headlamp in response to variation in the vehicle posture according to the information obtained by the height detecting means (11) and the auxiliary detection means (S102-fig.4), wherein in case the auxiliary detection means (S102) is in an abnormal condition (col.5, lines 37-45), the direction of the optical axis of light projected from the vehicle headlamp is controlled so as to be tilted downward from the direction of the optical axis of light with the auxiliary detection means remaining in a normal condition (cols.4-6); wherein the auxiliary detection means is a sensor for detecting the seated condition of a passenger.

***Allowable Subject Matter***

8. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

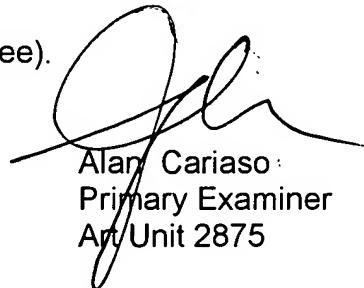
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. D'Orsay (US 4,204,270) shows plural vehicle height sensors that measure height at the front and rear axles of the vehicle with control to adjust the headlamp axis. KUTSCHER (US 5,787,370) show plural sensors that include inclination sensor and individual wheel speed sensors to signal the control of the headlamp position.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Cariaso  
Primary Examiner  
Art Unit 2875

May 31, 2005  
AC